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Toll, Maynard oral history interview

Don Nicoll

Interview with Maynard Toll by Don Nicoll

Summary Sheet and Transcript

Interviewee
Toll, Maynard

Interviewer
Nicoll, Don

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Biographical Note

Maynard J. Toll, Jr. was born February 5, 1942 in Los Angeles, California. He attended public schools in Los Angeles, and then entered Phillips Academy in Andover, Massachusetts. Toll returned to California to attend Stanford University for his undergraduate years, then came back East to the School of Advanced International Studies at The Johns Hopkins University where he obtained his master's degree and Ph.D. During his time at Johns Hopkins, Toll worked part-time as a speechwriter for Senator Joseph Tydings of Maryland. After completing his graduate work, he taught for three years at the University of Massachusetts at Boston. In 1971, Toll accepted a position on Senator Edmund S. Muskie's staff, working as a legislative assistant on the Foreign Relation Committee. His wife worked on Jane Muskie's staff during the presidential campaign. Toll later became Muskie's Administrative Assistant, serving in that capacity for three years.

Scope and Content Note

Interview includes discussions of: family background; educational background; early interest in foreign relations; teaching at UMass Boston; political background; working for Ed Muskie; working with the Senate Foreign Relations Committee; Muskie's foreign priorities; arms control; and Muskie's relationship with Senator Javits.

Indexed Names

Transcript

Don Nicoll: It is Wednesday, the first day of November, the year 2000. We're at 1625 K Street Northwest, Washington, D.C. in the offices of the Edmund S. Muskie Foundation and Don Nicoll is interviewing Maynard Toll. Maynard, would you state your full name, spell it and give us your date of birth and place of birth.

Maynard Toll: It's Maynard Joy Toll, Jr., M-A-Y-N-A-R-D, J-O-Y, which is a family name, Toll, T-O-L-L, Jr. I was born in Los Angeles, California on February 5th, 1942.

DN: Were your parents native Californians?

MT: They were both native Californians (*tape blip*) second generation Californians. My father had gone to the University of California. He was a native of Glendale, California, my mother was a native of Long Beach, California and she went to college at Occidental College. And my father was a lawyer with one of the large Los Angeles law firms of O'Malley & Myers.

DN: And did you have any brothers and sisters?

MT: Three older sisters and one younger brother.

DN: And you grew up in Los Angeles?

MT: Grew up in Los Angeles, I went to public schools through the eighth grade and then I went to, entered Phillips Academy in Andover, Massachusetts from the ninth to the twelfth. Then went back to California to Stanford University for my undergraduate years.

DN: And what was the full extent of your education?

MT: Then after Stanford I went to the School of Advanced International Studies at Johns Hopkins University which was based in Washington, D.C. which was really the original link that led to me ending up working for Ed Muskie.

DN: Now, did you work for a Ph.D. there, or -?

MT: Yes, I did a master's and a Ph.D. there. And while I was there I, Senator Joe Tydings of Maryland called up Johns Hopkins because it was after all a Maryland university based in Baltimore. They called up the school in Washington, said he would like some part-time student help in writing some speeches for him on foreign policy. And so I was chosen to do that, and the legislative assistant on his staff that I reported to was John McEvoy.

DN: And how, you did that part-time.

MT: Did that part-time while I was, as stu-, working as a student.

DN: How long did that continue?

MT: I don't really recall but I think, I think we spent about a year and we were working primarily on a speech on India. Senator Tydings had traveled to India and, as John McEvoy described it, he had become terribly ill with gastro enteritis, as people do when they travel in third world countries. And while he was suffering in bed, a parade of Indian politicians came by his bedside and by the end of his illness he was persuaded that the future of the world depended on what was going to happen with the U.S. - Indian relationship, so I was called upon to write on that subject.

DN: When, let's drop back for a minute to your youth. You went to Phillips Exeter and then -

MT: Andover.

DN: Andover. And then returned to California, and then you decided to focus on international relations. What stimulated that interest?

MT: I think I just had a certain wanderlust. Stanford University itself was very focused on international education, they had a series of campuses abroad. When I was at Andover actually I was a summer student in Germany with the American Field Service program which certainly

developed an interest. And when I went to Stanford I, as many other students did at Stanford, sort of examined the various opportunities to go to any other Stanford campuses and learned that Stanford also had exchange programs with three universities. One was the University of Warsaw, one was the Free University of Berlin, and the third was Keio University in Tokyo. And I looked at these various options and I thought it would be more interesting to go to a foreign university than to go to a Stanford campus in some foreign country and so I applied for the, the scholarship to Keio University and I won that so I in essence had a junior year abroad -

DN: (*Unintelligible phrase*).

MT: At Keio, yes, and they arranged it so that you could have two full years of Japanese language study at Stanford before you went over, which still was inadequate for really understanding lectures. But we managed to have various tutorial systems partly in Japanese and partly in English, so it was a very interesting and challenging year.

DN: And later, we'll come back to your later experiences in Japan, but you went to Johns Hopkins obviously to pursue that career. Were you thinking of an academic career at that point in international relations?

MT: No, I think initially I was looking to do a government career and I did at the completion of my master's apply for the foreign service. And I passed the written and oral examination but Lyndon Johnson, who was then president, put a temporary moratorium on entries into the foreign service because of balance of payments problems. And so I and others in my situation were encouraged to take a temporary job in one of the other domestic departments until the openings resumed at the State Department. And it was in that hiatus that I thought that maybe I should go on for my Ph.D. and that, you know, led me to a different career.

DN: After you had done your work for John McEvoy and Senator Tydings writing speeches to get him beyond gastro enteritis and into international relations with India, what was your next foray in the legislative field?

MT: I really did absolutely nothing until I was called up out of the blue by John McEvoy with whom I had not kept in touch. But he tracked me down in late spring of 1971 and informed me that he had become earlier that year Senator Muskie's administrative assistant and that he was hoping that I could come down and work on Ed Muskie's staff, taking charge especially of the senator's new position on the senate foreign relations committee. And the way he expressed it to me was it was a good news and bad news story. He said the good news was that it looked as though Senator Muskie was going to be the next Democratic nominee for president of the United States and was just at that point running well ahead of, or some margin ahead of President Nixon in the polls. And he said the bad news was that he could only pay me thirteen thousand dollars a year. But that was the exact amount I was getting at my present job which was at the University of Massachusetts at Boston, so I immediately accepted.

DN: You were teaching in Boston then?

MT: Yes, after getting my Ph.D., or really after completing all the requirements except the

dissertation, I accepted a job at the University of Massachusetts Boston campus in 1968. It was a new campus, I think the year I arrived was the fourth year of the new university. We were then in rented buildings off Park Square; the campus of course was later relocated in a newly constructed campus down on Columbia Point, or is it Columbus Point, I can't remember?

DN: Columbia.

MT: Columbia Point, right next to the Kennedy Library. But I was there as part of the pioneering early faculty and students and -

DN: In the old gas company building.

MT: And spent three years, right, and I had my office in the old Massachusetts Gas Company building.

DN: And how long, how long were you there?

MT: Just three years.

DN: For three years, and what were you teaching?

MT: Well, I was in what was called the politics department. I was hired to teach international relations and American foreign policy, but also the introductory courses which was, we called an A isms" course, Communism and Fascism and Democracy. And, in the fall semester, and in the spring semester it was an introduction to American government. Neither of those courses were courses I had been particularly prepared for in either my undergraduate or graduate education, so I had to work hard to stay ahead of the students which is of course one of the more stimulating aspects of the young teaching career.

And then later on I also added courses on Japanese and Chinese politics, Asia having been a long-term area interest, and I think that in my second or third year I was also made assistant dean of faculty. Because there was a, those years were particularly troubled years for universities and one of the issues was university governance and the under faculty demanded that they have better representation and, on the governing bodies of the university. And so the old established guard at the University of Massachusetts Boston, when they saw all this trouble brewing, looked around and ran immediately to me, who they thought was a more reasonable, conservative and less radical man to fill this position to show the junior faculty they now had a representative, so. I think after one or two years of being assistant dean of faculty I sat back and said, this is really not a life I want to spend my career at so I was looking at a way to get out.

DN: And fortunately John McEvoy called at that point.

MT: He did. I was actually on the verge at the time, just fortuitously, of accepting a job with McKenzie & Company, the management consultants in Washington, D.C. working for a man quite beloved in the firm named Neil Harland who later became chairman of McKesson Food Corporation in San Francisco. But Neil was a very public service oriented guy and much of the

practice of the McKenzie firm in Washington was consulting on public policy issues and for the government. And he was trying to develop an educational practice not meant to be a big money maker for the firm but supported by the firm as being, you know, their contribution to the non-profit sector. So I was going to be his first assistant for helping to shape up colleges and universities beginning with such simple things as financial management.

DN: Now you mentioned that you had not much education in politics, political science, in your undergraduate and graduate work. To what degree did you get exposed to politics in your home, were your mother and father at all interested in politics?

MT: Well, they were, they were the classic liberal Republicans of the old school that have now seemed to have disappeared in most parts of the country except for a small and it seems to me a rather much maligned group of old northeastern liberal Republicans. My father was very close to Earl Warren and Tom Kuchel and people like that in California. My mother was a Rockefeller delegate to the famous 1964 convention in San Francisco where, which was really the, many say, was the last stand of the northeastern liberal Republican establishment, when Nelson Rockefeller went down in flames before the Goldwater onslaught. And both of them ended up, you know, voting for Lyndon Johnson in that, in that presidential race and, and were very much sort of moderate, middle-of-the-road types that voted both for Republicans and Democrats. My grandfather had been a Republican city councilman in Los Angeles.

And interestingly my father's probably closest friend in his legal practice was Warren Christopher whom he had hired out of Stanford Law School and who has succeeded him as managing partner of O'Melveny & Myers. And I think Christopher was the first really visible Democrat in the entire firm of O'Melveny & Myers in those years. But he and Christopher remained very close until his death and Christopher delivered the eulogy at his funeral.

DN: And did you get to know Warren Christopher during those years?

MT: Not really. I think I was not at home enough to really get to know him. But interestingly, I saw him more after I had worked for Ed Muskie. And of course he was Ed Muskie's deputy at the State Department in those few months that Ed was secretary of state. So there was, there's a continuing interest and I've seen Warren on a number of occasions since, or Chris as he is normally called.

DN: When you got the call from John McEvoy did you know much about Ed Muskie?

MT: I did not really know much about Ed Muskie in any detail, but like others I had been very, very impressed with his, with his run as the vice presidential candidate in 1968 and had been even more greatly impressed by the masterful speech he gave in 1970 on television as the Democratic response before the mid-term elections. And so although I did not know much about his history in Maine and his history as a senator up to that point, I had a pretty good feel for the style, at least the public style, that he conveyed and like many others was, was very, very impressed.

DN: What were the specific assignments that you got when you arrived in the Muskie office?

MT: Well I was on the legislative staff. We were structured with a chief legislative assistant who was Dan Lewis, and who had also worked I think on the Tydings staff with John McEvoy. And then we had, I think we had just three legislative assistants, Kermit Lipez had come in at some point I think soon after I arrived. He did a range of domestic assignments. Richard Fay had another range of domestic assignments. And my principle assignment was foreign policy and the work on the senate foreign relations committee. And I was told that would be eighty percent of my job, but I also was responsible for the legislation coming up before two or three other committees so that if votes came up on the floor or if a statement had to be made that fell within my bailiwick. The only committees I remember having done much work on were Veteran's Affairs and Agriculture.

DN: And do you remember your first encounter with Ed Muskie?

MT: No, I just don't, I don't remember the very first encounter, I can't, I was trying to pull that up in my memory bank. You know, I think on the first day I was there there were votes to be tended to and that sort of thing and so I was just kind of thrown into the maelstrom. And he was already of course in the midst of a campaign, a presidential campaign, and so he was out of the office more than would be normal for a senator. And so very, very quickly I was working with him on foreign policy matters but it's too bad, I should have kept a diary so that I could record that first momentous meeting.

DN: What were some of the major issues that you had to tackle early on in the foreign policy arena?

MT: He was chairman of what was called the Senate Foreign Relations Committee subcommittee on arms control and there, there were a variety of negotiations going on, the strategic arms limitation talks. There were of course discussions about reviving a comprehensive nuclear test ban treaty. All these tied into defense budget issues, what we should invest in. And so it, so my major focus early on was on arms control and defense issues. Which interestingly was an area that I had no previous expertise in, although as part of studying international relations of course I had taken courses so that I knew the basics.

DN: Were there foreign relations committee staffers with whom you worked closely?

MT: Yes. The Senate Foreign Relations Committee was unique among congressional committees as far as I knew. And certainly among senate committees, in that their tradition was that, because of the security sensitivity of a lot they did, that they would operate as a unified staff and centrally controlled by Carl Marcy, who was then dir-, had been long term director of the, staff director. And that those committee members centrally controlled and organized, those staff members, would provide the necessary staffing to the various members.

Well, Ed Muskie was running for president so his staff wanted nothing to do with that. They didn't want to turn the staffing of Ed Muskie's foreign policy over to staff people controlled by Carl Marcy. Many of the, most of the other senate committees' senior members were allowed to have their own appointed staff that they controlled. And so we wanted to create the functional

equivalent of that by having me, who was on the personal staff, that is to say paid by the staff that any senator gets by virtue of coming from a certain state, that I would then be his foreign policy staff guy.

Well that required a certain amount of sensitive diplomacy with the staff members of the Senate Foreign Relations Committee and, because they were not happy about that. Fortunately one of them had been one of my teachers at Johns Hopkins, Seth Tillman, who was Bill Fulbright's principal aide and who was the author or the ghostwriter for much of what Bill Fulbright had written, including the famous book, The Arrogance of Power, which before it was published I had heard all of it chapter and verse in Seth Tillman's course at Johns Hopkins.

And so Seth counseled me a bit and we worked it all out and I think it worked about as, as well as it could have been. But these staff guys on the Senate Foreign Relations Committee really disdained the whole political process and were not eager to have a space on their committee used as a platform for presidential politics, and still less to have any other senators overshadow their boss Bill Fulbright.

DN: Did that situation prevail as long as you were a legislative assistant?

MT: Yes, although I think over time I think the members, the staff members of the committee, I played very fair by their rules, we never did anything without, you know, I stayed in close consultation. And so I think they felt that I could be trusted as a staff member. I would not embarrass them and I would not act as a loose cannon. You know, sometimes we, we had priorities for what we wanted to do to give Ed Muskie visibility in the press. And they had their own priorities about what they wanted the members of the committee to do to press the agenda that Bill Fulbright and Carl Marcy had written up for the committee and it was just a matter of accommodating each other in a civilized way, and I never felt it was a problem. They were, you know, these staff guys were gentlemen of the old school and, and there were a bunch of good ones over there, Dick Moose was another fellow that we worked very closely with and, they were a nice bunch of people.

DN: What were Ed's priorities at that point?

MT: In foreign policy?

DN: In foreign policy.

MT: Well, you know, it's very, here he was running for president so you would think that, especially by the standards of the modern day and age, the craft of presidential politics as we see it today, that everything would be subservient to that goal and that the political people would be charting the substantive course. But all during that period he remained it seemed to me very much a consummate senator. It may be in retrospect a weakness that he had as far as being a presidential candidate because I always saw him as being a born and professional, maybe not born but he certainly developed the inclination and the talent to be a consummate legislative craftsman and he took his position as senator very, very seriously.

And so he spent an inordinate amount of time trying to get up to speed and to becoming professionally competent at what after all was an arcane and difficult and complex subject which was military technology and arms control. And he was clearly excited by it, and intellectually fascinated by it. This was in a sense a kind of new toy for him and I simply, the way I saw it it was a new adventure for him. And I think all through his legislative career he was looking for new challenges and this was something clearly that interested him. It was one of the key reasons that I was later chosen as his administrative assistant, I think, because this was an area that he really wanted to concentrate on.

DN: Did he ever discuss with you his initial committee interest when he came to the senate and the fact that he had wanted to be on the foreign relations committee then?

MT: You know, if he did I have forgotten it. But he certainly was very much interested when I knew him.

DN: And did he ever talk about his interest in foreign policy dating back to his college days?

MT: Well I know he shared with me his particular interest in Japan because one of his good friends at Bates was a man who later became a distinguished television journalist in Japan on the National Broadcast System there, NHK, a man by the name of Kei Hirasawa. And he and Kei were good friends, it was a friendship that he and Ed Muskie put a lot of value into, and I think it always created for him a special interest in Japan and so that was something we certainly shared.

I don't recall from his, other specific foreign policy interests that entered in from his Bates days. But of course he also had an ongoing interest in the relationships with Canada through the Campobello Commission and, well maybe that's, maybe all Maine people have an interest in relationships with Canada, but that was a particular interest as well.

DN: Coming back to the subject of arms control and the subcommittee, who were the other members of that subcommittee, do you remember?

MT: I think Clifford Case was his, was his minority, top minority guy and we worked closely with Case on issues, and Case and Muskie actually agreed on a lot of things. I'm not sure I remember the other members, you know, very often when you get to the subcommittee level it's really only the chairman and the ranking minority leader that really count and are really calling the shots and where most of the conversation goes back and forth. Legislation did not come up through the subcommittees in the Senate Foreign Relations Committee, they were just there to act as forums for hearings and discussions and the full committee handled any legislative matters.

DN: So the hearings by the subcommittee were not on legislation but on general topics?

MT: True. When a treaty came before, and I'm not sure he was, I can't remember if I was there when a treaty came up, like the SALT talks for example, but I think the SALT Treaty just came before the full committee, I don't think it was vetted first by a subcommittee.

DN: What kind of hearings did you hold?

MT: Well we held hearings on various arms control theories. For example, the negotiations were going on with the Soviet Union and there were all sorts of ways you could slice and dice it and, you know. For example, whether the famous multiple reentry vehicles on ballistic missiles, you know, should be limited in some way, whether total throw weight should be limited in some way, and the whole question of the balance between land based intercontinental ballistic missiles versus submarine launched intercontinental ballistic missiles versus missiles launched from B-1 bombers. These were all complex issues that had a great amount of politics behind them because depending on your strategic doctrine certain of the armed services would gain or lose in relationships to the others, and certain states would gain or lose in relationship to others.

And so it was, you know, a classic example of trying to remain intellectually clear about what the best kind of defense structure was, not just from an arms control point of view but a more most bang for the buck, but which worked against a background of whether the interest in your own constituency were going to be affected one way or the other. And Maine of course was not immune to that because we in Maine, you know, had a major interest in terms of naval construction. But we also had, I believe, it was an Air Force base, right, up at Bangor, right? So it was the Navy and Air Force.

DN: By the time you came on the staff I think, yes, the Dow Air Force Base in Bangor had been cut back to a National Guard refueling base. It had been closed as a totally defense air field, and the same had been true earlier at Presque Isle, but the Brunswick Naval Air Station remained.

MT: Right. Well it created some interesting, it created some interesting conflicts that goes to the heart of some of the issues that legislators, elected legislators have to deal with. Muskie was a leader in the arms control area so he had responsibility to, to recommend policies that he thought were best for the country as a whole at the same time he had local interest in Maine. And we were very mindful of those local interests and we had very close ongoing relationships with the procurement people at the, at the Navy department.

And particularly when I later became his administrative assistant I would basically go over and negotiate with Admiral Billy Kidd and, begging for work for particularly Bath Iron Works. And one of the things the Navy wanted out of us was a little less opposition, perhaps even support on the nuclear carrier. Well the nuclear carrier as a strategic weapon, we had decided, really didn't make any sense because nuclear carriers in a strategic war are particularly vulnerable to attack, to missile attack, easily identifiable, can't really maneuver to get out of the way. And what carriers are really useful for is force projection and tactical warfare, the Gulf War or something like that, for which you don't really need a nuclear carrier. The idea of a nuclear carrier was it wouldn't have to go back to base, it could just cruise around the world endlessly and make it supposedly less vulnerable to attack.

So the nuclear carrier really to us didn't make much sense as a strategic weapon but, but carriers, non-nuclear carriers made a lot of sense in terms of tactical force projection. Well the Navy was really adamant about trying to get our support on the nuclear carrier, and in fact we softened a bit

in the give and take of negotiations with Billy Kidd, Billy the Kid who was a pretty tough guy.

DN: And you were engaged in direct negotiations with him?

MT: Oh sure, yeah, well Ed Muskie was too squeaky clean to do this kind of dirty work by himself. In fact I came back from one of these negotiations and I walked into the senator's office and I said, "Well I have good news and bad news for you senator." He said, "What's the good news?" I said, "The good news is that it looks like we're going to get more guided missile frigate work for Bath Iron Works." He says, "What's the bad news?" I said, "The bad news is we now support the nuclear carrier."

DN: What was his response to that?

MT: He looked at me with that bemused way. You never really knew whether he was satisfied with your work or that he was, I think he was putting you in a position to be blamed if it ever blew up in his face.

DN: Were most of your engagements on the foreign policy front at that time related to arms control, particularly the subcommittee?

MT: No, there were other issues. For example, when I first arrived there was the Okinawa Reversion Treaty. Okinawa was sort of run by the Defense Department ever since the occupation of Japan and, and this treaty was going to cause Okinawa's sovereignty to revert fully to Japan and allow the Japanese flag to fly. And it was a little bit like the Panama Canal Treaty issue. People thought this was a very, very dangerous precedent and that we would put our troops in danger and all the rest. And, you know, at the end of the day it passed by an overwhelming margin so it really wasn't as contentious as the Panama Canal Treaty was. But the Japanese foreign office was quite panicked that something might go wrong and that they would be blamed and so the, members of the Japanese embassy in Washington were all over the staff guys, all the Senate Foreign Relations Committee people.

And I made some very good friends in those days. And the young man in charge was a man by the name of Yukio Sato, and Yukio Sato is now the Japanese ambassador to the United Nations. In fact ,I just chatted with him on the telephone last week. And another fellow was, by the name of Kiyohiko Arafune, and he's now the Japanese ambassador to Spain. And these people became life-long friends as we celebrated the reversion of Okinawa and Japanese sovereignty. But that was an issue when we first arrived and, you know, then there were a range of other issues. There was always the ongoing issue of foreign aid, for example, that came before the Senate Foreign Relations Committee. And there were various ambassadorial appointments, I can't remember any particular controversies during my time there.

And, but mainly it had to do with, in that period, with the, you know, the war in Vietnam and the whole, there was a big debate over the philosophy of foreign policy and the theory of foreign policy. And the theory of, you know, how internationalist you were going to be or how isolationist you were going to be, and exactly how much money were you willing to spend to become policeman of the world. And everything, everything in those days was, every argument

took place against the background of Vietnam. That was the one big hot issue and of course Bill Fulbright's book, The Arrogance of Power, was really a philosophical statement that, you know, the United States had to be much more restrained in its international involvements, because if we weren't this was the kind of mess we were going to end up in.

DN: Now how did the relationship between Senator Muskie and Senator Fulbright evolve during that period?

MT: They were not close. They were respectful, mutually respectful. They were not far apart on foreign policy issues, but if you tracked who Ed was spending time to have lunch with, Bill Fulbright was not on that list.

DN: Did they have any notable encounters that you witnessed?

MT: No.

DN: Other members of the foreign relations committee?

MT: Negative encounters?

DN: Negative or positive, very strong working relationships?

MT: Well I know, I think Ed Muskie worked closely with Senator Case, and I think he was very close to Javits. You know, later on when I was administrative assistant Javits asked Muskie to floor manage the War Powers Act, even though it was a Javits bill, it was the Javits show. Ed Muskie hadn't really been involved with War Powers at all before he was asked to be floor manager. So he had to get up to speed and that of course is part of his history, as the man who managed the War Powers Bill before the senate which was, you know, a seminal piece of legislation.

DN: How did that come about? And why did Javits ask him to do that?

MT: I think Javits just wanted to get the best advocate on the Senate Foreign Relations Committee that he could find, and Muskie was that guy. I mean, Ed was the type of guy you would hire to argue your case. And also a guy who could be trusted, you know, not to try to steal all the credit, which he did, so it was really Javits and Muskie on the floor together. And, you know, that was, that was a seminal piece of legislation. I mean to tell you the truth I had some personal doubts about it myself. There were some Constitutional issues there with respect to the division of powers.

It grew, it was clearly a legacy of the Vietnam era and the congress sat back and scratched its head and looked and said, "Well gee, you know, the way this system operates and the foreign pol-, the implied foreign policy power is reserved for the executive branch even though we have budgetary control, you know, this can, this kind of Vietnam thing can happen again and again and again." So the congress has got to put some, some tighter controls on force, some significant consultation whenever there's going to be force projection abroad.

And of course that was just common sense. And if you were president of the United States you wouldn't, it wouldn't be very wise for you to engage in some foreign engagement that your congress was not going to support you on because the congress could cut off funding at any given time. So it goes without saying that a president really cannot get out front, or really should not get out front on any foreign policy or defense engagement that's going to require some budgetary authority without making sure he's consulted adequately with congress and has reason to believe that he's going to have sustaining support from the congress. So, but congress really didn't trust the president down the road necessarily to be wise about this at all times. So they wanted to codify it a little bit, to, and to tie it up.

And there was some Constitutional questions with that, but more than that I think there were some practical questions as to whether or not this, what seemed like a very common sense wise idea might in some circumstances backfire on you, and that was my concern. I tended to be in foreign policy a little bit more of a supporter of executive power.

DN: Now, you had reservations about it, did Senator Muskie have reservations?

MT: He did, actually we had some very spirited discussions about it because, well I wasn't, I had reservations but I didn't have reservations to the point where I thought the thing should not be passed. But what I did was make sure that he was fully briefed on the, on the down side and thoughtful about it, and we had some very, very interesting discussions. But I think he felt in the circumstances that the added insurance value that the War Powers might provide to restrain a president that got out a little bit too ahead of the country in terms of force projection, outweighed the possible dangers of not having a president be able to act quickly in a situation that really required quick action.

And it was a, an example of a judicious kind of weighing, and serious kind of weighing of the pros and cons and yet, you know, was another example of, of, of Muskie's thoughtfulness about serious matters, and his recognition that this was a serious matter before he came to a decision. But he was hardly a minority, this was period in which there was a major realignment of power between the executive branch and the congress. And most members of congress of either party were for, you know, strengthening the position of the congress which they thought had become diminished too much vis-a-vis the executive.

DN: Did some of these discussions of the pros and cons of the War Powers Act involve Senator Javits, was he a part of some of those conversations?

MT: Yes, yes, well he, Javits very personally, you know, was interested. This could have of course taken place at the staff level, but this was, there was a lot of conversation between Senator Javits and Muskie personally about this.

DN: What, did Senator Muskie establish any conditions for taking on floor management?

MT: No.

DN: He took the bill as, as it came.

MT: Yes. Well, I think he had had some input into the bill before it was reported out of committee.

DN: And before the question came up about management.

MT: Right.

DN: This has some similarities to the Model Cities legislation much earlier where he was asked to floor manage a bill that he had not sponsored, or had not originated. In that case he established conditions with the White House that had to be met before he would do that.

MT: Well he was not an easy mark, as you know. You know, one of his characteristics was that he was, that he took his responsibilities seriously, he was very individually minded. He would, if he, you know, if he didn't have to really become familiar with an issue he had to vote on, he would hope that he would trust you enough to just say, you know, vote this way or vote that way and give him three sentences as to why he should do it, which is the way most senators operate. But if anything in that conversation concerned him, you had a struggle on your hand racing against the clock, trying to convince him that this, what you thought was a no brainer vote, was the right way to go.

He was just simply not going to be used as a puppet for his staff, and he was of course, he will get into this of course with everybody, but that, you know, the notion of the modern day senator who just basically is a mass of human flesh that is orchestrated by his staff and told what to do and go here and do this and do that was a trend he was deeply rebellious against. And I think he always was nostalgic for some day, maybe he had it in the Maine legislature, I have no idea, but where he could be his own man and not be tol-, not have staff stand between him and the process.

DN: On that note, since we're near the end of this side of the tape and we're getting close to your train time, I'm going to suggest we suspend and then come back to the next interview where we can talk about your transition from legislative assistant to administrative assistant.

MT: Okay, good.

DN: So we will stop here, thank you.

MT: Okay.

End of Interview